

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION No. 04-10956-REK

ERNEST OGLETREE, )  
Plaintiff )  
 )  
v. )  
 )  
CITY OF ATTLEBORO, )  
STURDY MEMORIAL HOSPITAL, )  
INC., JAMES G. MACDONALD, )  
DOUGLAS JOHNSON, MICHAEL )  
BARTUCCA, ROBERT ASTIN, )  
and LEWIS RHEAUME, )  
Defendants )

**PLAINTIFF'S MOTION TO EXTEND  
TIME FOR DISCOVERY AND  
TO DISCLOSE EXPERT WITNESSES  
AND FOR DISPOSITIVE MOTIONS**

**(ASSENTED TO)**

Ernest Ogletree, the plaintiff, moves this Honorable Court to extend the time for the parties to complete discovery, including depositions, and to disclose their expert witnesses, and to file dispositive motions by four months, such that the completion of discovery and percipient witness depositions will be extended to and including January 30, 2006, the plaintiff's expert witness disclosures will be extended to and including February 28, 2006, the defendants' expert witnesses disclosures will be extended to and including March 31, 2006, the time for concluding expert witness depositions will be extended to and including April 28, 2006, and the filing of dispositive motions will be extended to and including May 31, 2006.

In support of his Motion, the plaintiff states that the parties have engaged in discovery cooperatively but neither have concluded discovery nor obtained sufficient information to allow for expert disclosures at the times now scheduled for them due to

the legal and factual complexities of this action; that the time for completing discovery has not expired yet but is nearing; that the parties do not anticipate being able to conclude discovery and expert witness disclosure within the time allotted due to the schedules of the parties' counsel; that no party will be prejudiced by allowance of this Motion; that all of the defendants have assented to this Motion; that good cause exists for extending the deadlines in view of the foregoing; and that the parties have sought but one extension of the deadlines previously.

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

On September 16, 23, 27, 28, and 29, 2005, I, Mark F. Itzkowitz, counsel for the plaintiff, discussed the foregoing Motion by telephone conferences with each defendant's counsel and/or their representatives. Each of the defendant's counsel assented to the foregoing Motion on behalf of the defendants and authorized me to sign their names in assent to this Motion.

The Plaintiff,  
Ernest Ogletree,  
By his Attorney,

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MARK F. ITZKOWITZ (BBO# 248130)  
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Suite 1000  
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(617) 227-1848  
September 29, 2005

**ASSENTED TO:**

The Defendant,  
James G. MacDonald,  
By his Attorneys,

/s/ JOSEPH L. TEHAN, JR.  
JOSEPH L. TEHAN, JR. (BBO# 494020)  
SARAH N. TURNER (BBO# 654195)  
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The Defendant,  
City of Attleboro,  
By its Attorneys,

/s/ CHARLES D. MULCAHY  
CHARLES D. MULCAHY (BBO# 359360)  
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The Defendants,  
Sturdy Memorial Hospital, Inc., Douglas Johnson,  
Michael Bartucca, Robert Astin & Lewis Rheaume,  
By their Attorneys,

/s/ DANIEL J. BUONICONTI  
DANIEL J. BUONICONTI (BBO# 640139)  
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